

JMS/10

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

EDDIE D. CROCKETT.

Plaintiff

V.

CITY OF NORTHLAKE, ILLINOIS and  
NORTHLAKE POLICE OFFICERS EARL  
FILSKOV, STAR #124, AND LOPEZ,  
STAR #127

**Defendants.**

No. 00 C 4542

**JUDGE:** Rebecca R. Pallmeyer

MAGISTRATE

**JUDGE:** Sidney I. Schenkier

## JURY DEMANDED

**FILED**

DEC 11 2007

## NOTICE OF MOTION

**MICHAEL W. DOBBINS**  
**CLERK, U.S. DISTRICT COURT**

To: Armand L. Andry, 715 W. Lake St., Suite 500, Oak Park, IL 60301  
Noreen Love, 1525 E. 53<sup>rd</sup> Street, Suite 1103 Chicago, IL 60615

Please take notice that on **December 18, 2001 at 8:30 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Sidney I. Schenkier, or any judge sitting in his stead in the courtroom usually occupied by her in Room 1700, United States District Court, Northern District of Illinois, 219 South Dearborn, Chicago, Illinois and shall then and there present Defendant's **MOTION FOR A PHYSICAL AND MENTAL EXAMINATION OF PLAINTIFF PURSUANT TO FEDERAL RULES 35**, a true and correct copy of which is hereby served upon you, and shall request hearing, *instantly*.

By:

**MYERS & MILLER**

Stephen R. Miller - (6182908)  
Jason M. Sax - (6243815)  
**MYERS & MILLER**  
111 W. Washington Street, Suite 1247  
Chicago, Illinois 60602  
(312) 345-7250 FAX: (312) 345-7251

STATE OF ILLINOIS       )  
                                      )SS  
COUNTY OF COOK        )

**CERTIFICATE OF SERVICE**

I, Jason M. Sax, an attorney, under penalties as provided by law pursuant to Federal Court Rules certifies that a copy of this *Notice and the attached* **MOTION FOR A PHYSICAL AND MENTAL EXAMINATION OF PLAINTIFF PURSUANT TO FEDERAL RULES 35**, was served upon the attorneys of record by mailing a copy thereof to each person to whom it is directed at the address(es) stated by depositing same in the United States Mail chute with proper postage prepaid at 111 W. Washington St., Suite 1247, Chicago, Illinois, on or before 5:00 p.m. on **December 11, 2001.**

A handwritten signature in black ink, appearing to read "J.M. Sax", is written over a horizontal line.

**MYERS & MILLER**  
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Chicago, Illinois 60602  
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SRM/JMS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

EDDIE D. CROCKETT,

Plaintiff

v.

CITY OF NORTHLAKE, ILLINOIS and  
NORTHLAKE POLICE OFFICERS EARL  
FILSKOV, STAR #124, AND LOPEZ,  
STAR #127

Defendants.

No. 00 C 4542

MAGISTRATE  
JUDGE: Sidney I. Schenkier

JURY DEMANDED

DEC 19 2001

FILED

DEC 11 2001

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**DEFENDANTS' MOTION FOR A PHYSICAL AND MENTAL  
EXAMINATION OF PLAINTIFF PURSUANT TO FEDERAL RULE 35**

NOW COME the Defendants, CITY OF NORTHLAKE ILLINOIS, OFFICER EARL FILSKOV, STAR #124, and OFFICER HECTOR LOPEZ, STAR #127, by and through their attorneys, MYERS & MILLER, and pursuant to Federal Rule 36, moves for an order requiring plaintiff to appear for a physical and mental examination, and in support thereof, state the following:

1. This case arises from plaintiff's arrest for possession of a controlled substance on or about August 22, 1998. During the course of the arrest, plaintiff received a 5 cm superficial laceration to his back when Defendant, Officer Earl Filskov, attempted to remove plastic handcuffs from plaintiff's wrists using a knife.

2. Plaintiff is claiming permanent injuries to his back, including chronic back pain and emotional suffering since the arrest.

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3. He has made a demand of \$300,000.

4. In October, 2001, counsel for defendants received medical records from plaintiff's treating physicians at the Veterans Administration Hospitals in Illinois and Florida. These records indicate that plaintiff has been treating with certain doctors for complaints of chronic low back pain and emotional suffering since his arrest by the defendants on August 22, 1998.

5. Defendants dispute that plaintiff has been injured to the extent claimed. On that basis, there is good cause for the Court to order the plaintiff to submit to an independent medical examination of his back and mental condition. Defendants make this motion pursuant to Federal Rule 35.

6. Defendants have retained Dr. Mark Thomma to render opinions regarding plaintiff's mental status and the diagnoses and prognoses of plaintiff's treating physicians. If allowed, Dr. Thomma will perform a psychiatric evaluation of the plaintiff. Dr. Thomma is Board Certified in Psychiatry. His office is located at 405 N. Wabash Avenue, Suite 4905, Chicago, IL 60611.

7. Defendants have also retained Dr. Martin P. Lanoff to render opinions regarding the extent of plaintiff's low back pain resulting from the laceration wound received on or about August 22, 1998. If allowed, Dr. Lanoff will perform a physical examination of plaintiff's low back, particularly the area of the laceration and any other areas of the back that may be symptomatic. Dr. Lanoff is Board Certified in Physical Medicine and Rehabilitation. His office is located at 555 Corporate Woods Parkway, Vernon Hills, Illinois 606601.

8. Defendants have made arrangements with Dr. Thomma and Dr. Lanoff to be available in mid-January, 2002. Defendants and these doctors will schedule these examinations to take place on consecutive days, or alternatively, at the plaintiff's convenience.

WHEREFORE, defendants CITY OF NORTHLAKE ILLINOIS, OFFICER EARL FILSKOV, STAR #124, and OFFICER HECTOR LOPEZ, STAR #127, respectfully request that this Honorable Court enter an order compelling the plaintiff to appear for an independent medical examination before Dr. Martin P. Lanoff and Dr. Mark Thomma, M.D., in mid-January, 2002, or at a mutually convenient date and time for the plaintiff and these doctors.

Respectfully Submitted,

**MYERS & MILLER**

By: 

Attorneys for Defendants

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